

1 PHILLIP A. TALBERT  
2 United States Attorney  
3 AUDREY B. HEMESATH  
4 Assistant United States Attorney  
5 501 I Street, Suite 10-100  
6 Sacramento, CA 95814  
7 Telephone: (916) 554-2700

8  
9 Attorneys for Plaintiff  
10 United States of America

11  
12 IN THE UNITED STATES DISTRICT COURT  
13  
14 EASTERN DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,

16 CASE NO. 2:21-CR-207 TLN JDP

17 Plaintiff,

18 STIPULATION AND ~~PROPOSED~~ PROTECTIVE  
19 ORDER

20 v.

21 HEE SOUNG OH,

22 Defendant.

23  
24 WHEREAS, the parties desire to prevent the unauthorized disclosure or dissemination of certain  
25 sensitive but unclassified discovery materials to anyone not a party to the court proceedings in this  
26 matter, or to defendant HEE SOUNG OH, in this case as provided below;

27 WHEREAS, the sensitive but unclassified discovery materials at issue include information  
28 pertaining to victims or potential victims in this case, including personal identifying information,  
identification documents such as driver's licenses, passports, social security cards, and bank account  
information;

29 WHEREAS, such sensitive but unclassified discovery materials shall be identified as sensitive  
30 and subject to a protective order at the time of disclosure, whether on the documents or other materials  
31 (e.g., CDs) themselves or in an accompanying cover letter;

32 // /

33 // /

1        WHEREAS, the parties agree that entry of a stipulated protective order is appropriate, and that a  
2 private agreement is not appropriate in light of the nature of the information at issue and the charges in  
3 this case; and

4        WHEREAS, the defendant, HEE SOUNG OH, has counsel (“Defense Counsel”) who wishes the  
5 opportunity to review the discovery;

6        Defendant HEE SOUNG OH and plaintiff United States of America, by and through their  
7 undersigned counsel of record, hereby agree and stipulate as follows:

8        1.        This Court may enter protective orders pursuant to Rule 16(d) of the Federal Rules of  
9 Criminal Procedure, its general supervisory authority, and Local Rule 141.1.

10        2.        This Order pertains to all discovery provided to or made available to Defense Counsel  
11 that is identified as sensitive and subject to a protective order in this case (hereafter, collectively known  
12 as “the protected discovery”).

13        3.        Defense Counsel shall not disclose any of the protected discovery to any person other  
14 than the defendant, or attorneys, law clerks, paralegals, secretaries, experts, interpreters, and  
15 investigators, involved in the representation of his client. At no time shall the defendant be permitted to  
16 review the protected discovery outside of the presence of his attorney, and Defense Counsel shall not  
17 leave any of the protected discovery with defendant at any location, including at the jail or other  
18 institution where that defendant is being held in custody.

19        4.        The protected discovery and information therein may only be used in connection with the  
20 litigation of this case and for no other purpose. The protected discovery is now and will forever remain  
21 the property of the United States Government.

22        5.        Defense Counsel will store the discovery in a secure place and will use reasonable care to  
23 ensure that it is not disclosed to third persons in violation of this agreement.

24        6.        If Defense Counsel releases custody of any of the protected discovery, or authorized  
25 copies thereof, to any person described in paragraph (3), Defense Counsel shall provide such recipients  
26 with copies of this Order and advise that person that the protected discovery is the property of the United  
27 States Government, that the protected discovery and information therein may only be used in connection  
28 with the litigation of this case and for no other purpose, and that an unauthorized use of the protected

1 discovery may constitute a violation of law and/or contempt of court.

2       7. In the event that the defendant obtains substitute counsel, undersigned Defense Counsel  
3 agree to withhold the protected discovery from new counsel unless and until substituted counsel agrees  
4 to be bound by this Order.

5       8. Defense Counsel shall be responsible for advising his client, employees, and other  
6 members of the defense team of the contents of this Stipulation/Order.

7       IT IS SO STIPULATED.

8       Dated: December 12, 2022

9       Respectfully submitted,

10                   PHILLIP A. TALBERT  
11                   United States Attorney

12                   By: /s/ AUDREY B. HEMESATH  
13                   AUDREY B. HEMESATH  
14                   Assistant United States Attorney

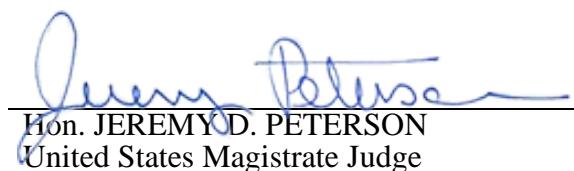
15       Dated: December 12, 2022

16                   By: /s/ Michael Long  
17                   MICHAEL LONG  
18                   Counsel for HEE SOUNG OH

20                   **ORDER**

21       IT IS SO FOUND AND ORDERED.

22       DATED: December 13, 2022

23                     
24                   Hon. JEREMY D. PETERSON  
25                   United States Magistrate Judge